

ORDINANCE 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ADDING A NEW SECTION 7-23, PROVIDING FOR A SURCHARGE TO BE ASSESSED IN NON-CRIMINAL TRAFFIC CASES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 counties of the state; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, after review, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the State courts system; and

WHEREAS, the Florida Legislature amended Section 318.18, Florida Statutes, to address some of those concerns by providing a supplemental funding source through the imposition of a surcharge; and

WHEREAS, Section 318 permits each county to adopt by County Ordinance a surcharge not to exceed \$15 for any non-criminal traffic violation and criminal violations of Section 318.17; and the additional funding must be used to fund State court facilities; and

WHEREAS, the Legislature permitting this additional surcharge requires that the Board of County Commissioners enact local legislation incorporating this charge; and

WHEREAS, these additional funds are necessary in order for the courts in Leon County to maintain their high level of service to the Leon County community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THAT:

Section 1. Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended by adding a new section to be numbered 7-23, which section shall read as follows:

Section 7-23. Surcharge in Non-criminal Traffic Cases.

- (a) Pursuant to Section 318.18(13)(a), Florida Statutes, every person who pays a fine or civil penalty for any violation of a non-criminal traffic infraction pursuant to Chapter 318 and every person who pleads guilty or nolo contendere or who is convicted, regardless of adjudication, of a violation of a non-criminal traffic infraction or criminal violation of Section 318.17, shall be assessed a surcharge in the amount of (\$15). A non-criminal traffic infraction shall have the same definition as found in Section 318.14(1), Florida Statutes.
- (b) The court shall order payment of this additional surcharge in all matters subject to this Ordinance and the Clerk of the Court shall add this surcharge to all payments and fines or civil penalties for any violation of a non-criminal traffic infraction or a criminal violation of Section 318.17. The Clerk of the Court shall collect and remit such surcharge to Leon County.

- (c) The funds collected pursuant to this Ordinance shall be used to fund State court facilities. Funds collected pursuant to this Ordinance shall be expended as provided for by the Board of County Commissioners.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 3. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date. This ordinance shall have effect upon becoming law.

Attest:
Bob Inzer, Clerk of Circuit Court

LEON COUNTY, FLORIDA

By: _____
Clerk

By: _____
Jane G. Sauls, Chairman
Board of County Commissioners

Approved as to form:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney